



PRESENT:

Mr. Russell J. Gulley, Chairman
Mr. F. Wayne Bass, Vice Chairman
Dr. William P. Brown
Mr. Sam R. Hassen
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans
and Information Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review Section, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Planning Department
Mr. Jeffery H. Lamson, Senior Planner, Development
Review Section, Planning Department
Mr. Ryan Ramsey, Senior Planner, Development
Review Section, Planning Department
Ms. Amy Somervell, Senior Planner, Development
Review Section, Planning Department
Ms. Pamela Nichols, Clerk to the Commission,
Zoning and Special Projects Section, Planning Department
Providing a FIRST CHOICE community through excellence in public service

Ms. Barbara L. Fassett, Planning Administrator, Advance Planning
and Research Section, Planning Department
Mr. Zachary Mayo, Planning Data and Geographic Analysts,
Advance Planning and Research Section, Planning Department
Ms. Heather Barrar, Principal Planner, Advance Planning
And Research Section, Planning Department
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Mr. Joseph E. Feest, Planning Administrator, Development
Review Section, Planning Department
Mr. Steven Adams, Senior Civil Engineer
Transportation Department
Mr. Roy Covington, Director
Utilities Department
Mr. Bill Wright, Assistant Director – Engineer
Utilities Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Jim Eicher, CPTED Coordinator
Police Support Services
Lieutenant Frank Nause, Fire and
Emergency Services, Fire Department
Ms. Patricia W. Kizzie, Assistant Director,
Budget and Management Department
Ms. Carol Judkins, Budget and Management Analyst,
Budget and Management Department
Dr. Mike Etienne, Communications Specialist,
Planning Department, School Administration

ASSEMBLY AND WORK SESSION

Messrs. Gulley Bass, Brown, Hassen, Waller and staff assembled at 12:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

The Commission amended to agenda to include removing Item VII, Proposed Code Amendment Relative to Recreational Vehicle Equipment in Manufactured Home and Residential Districts; reordering Item V, Planning Topic – “Land Use Planning Scenarios” as new Item XI; adding a new Item V, Adoption Planning Commission Meeting Dates 2009 Calendar Year and January 2010 Meeting; a new Item VIII, Proposed Amendment to the Subdivision Ordinance Relating to State Maintained Roads and Building Permits; a new Item IX, Consider Appointment of a Committee to Study Computer Controlled Variable Message Electronic Signs; a new Item X, Consider Appointment of Designees to Attend a Presentation by Consultants Regarding the Proposed Countywide Comprehensive Plan Amendment. On motion of Mr. Bass, seconded by Dr. Brown, the Commission amended the agenda as follows:

- I. Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation.
- II. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review Day's Agenda. (Any items listed for the 3:00 p.m. and 6:30 p.m. Sessions.)
- IV. Work Program – Review and Update.📎
- V. Adoption Planning Commission Meeting Dates 2009 Calendar Year 2009 and January 2010 Meeting.
- VI. Proposed Code Amendment to Chapters 17 and 19 Relative to Subdivision Definitions, Procedures and Standards.📎
- VII. Discuss Alternative Residential Energy Opportunities.📎
- VIII. Proposed Amendment to the Subdivision Ordinance Relating to State Maintained Roads and Building Permits.
- IX. Consider Appointment of a Committee to Study Computer Controlled Variable Message Electronic Signs.
- X. Consider Appointment of Designees to Attend a Presentation by Consultants Regarding the Proposed Countywide Comprehensive Plan Amendment.
- XI. Planning Topics-“Land Use Planning Scenarios”.📎
- XII. Recess.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

II. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of January, February and March 2009.

III. REVIEW DAY'S AGENDA.

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p.m. Public Meeting.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 6:30 p.m. Public Meeting and Hearing.

Mr. Turner presented an overview of, and staff's recommendation for Code Amendments Relative to “Mass Grading” in the *Upper Swift Creek* Watershed and Fee Adjustment to be considered at the 6:30 p.m. Public Meeting and Hearing.

Mr. Gulley directed Staff to discuss other fee adjustment considerations with the Board of Supervisors Budget and Audit Committee for the February 17, 2009 Planning Commission work session.

IV. WORK PROGRAM 📎[CPC-WORK-PROGRAM](#)

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the December 2008 Work Program as presented.

V. SUSPENSION OF BY-LAWS TO ADOPT 2009 REGULAR SCHEDULED MEETING AND JANUARY 2010 ANNUAL MEETING.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission suspended their By-laws to adopt the 2009 Regular Scheduled Meeting and January 2010 Annual Meeting.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

Dr. Brown requested to change the June meeting date from June 16, 2009 to June 23, 2009.

In order to allow staff time to check on the availability of the public meeting room, the Commission moved the adoption of the meeting dates to later in the agenda.

VI. PROPOSED CODE AMENDMENT TO CHAPTERS 17 AND 19 RELATIVE TO SUBDIVISION DEFINITIONS, PROCEDURES AND STANDARDS. [SUBDIVISION-ORDINANCE UPDATE-PROJECT](#)

Mr. Carl Schlaudt presented an overview of the proposed updates, which primarily focused on the Subdivision Review Process, to the Subdivision Ordinance and stated that staff would also evaluate and address the impacts of the proposed Virginia Department of Transportation (VDOT) Secondary Street Requirements (SSRs).

Mr. Schlaudt stated that while the development community supported basic project goals, there were unresolved issues that needed further discussions.

Mr. Gulley directed staff to prepare a black line version of the presentation and to include the economic benefits in the reduction of the number of subdivision review processes.

The Commission voiced concern that an elimination of parts of the Subdivision Review Process would decrease accountability and result in a decline in customer service.

VII. DISCUSS ALTERNATIVE RESIDENTIAL ENERGY OPPORTUNITIES. [ALTERNATIVE-RESIDENTIAL-ENERGY-OPPORTUNITIES](#)

Mr. Mike Kohnen presented an overview of the usage of a turbine windmill as a source of alternative residential energy. Mr. Kohnen outlined the installation; cost; effectiveness; and advantages of the turbine windmill.

The Commission voiced concern relative to the size, height, noise levels, cost, and appearance of the structures and the minimum acreage upon which they are best suited.

Mr. Bass expressed his approval for the alternative residential energy.

The Commission directed staff to benchmark with other counties relative to wind turbines as alternative energy source and present data at the February 17, 2009 work session.

V. SUSPENSION OF BYLAWS TO ADOPT 2009 REGULAR SCHEDULED MEETING AND JANUARY

2010 ANNUAL MEETING. [CPC 2009 MEETING DATES AND ANNUAL MEETING](#)

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission adopted the following Planning Commission meeting dates for 2009 Calendar Year and January 2010 Meeting.

RECOMMENDED PLANNING COMMISSION MEETING DATES 2009 CALENDAR YEAR AND 2010 ANNUAL MEETING

January 20, 2009
** January 22, 2009

August 18, 2009
** August 20, 2009

February 17, 2009
** February 19, 2009

September 15, 2009
** September 17, 2009

March 17, 2009
** March 19, 2009

October 20, 2009
** October 22, 2009

April 21, 2009
** April 23, 2009

November 17, 2009

May 19, 2009
** May 21, 2009

December 15, 2009

June 23, 2009

January 19, 2010 (Annual Meeting)
** January 21, 2010

July 21, 2009
** July 23, 2009

**Dates for 2nd monthly meeting, if backlog exists.

(PLEASE NOTE THE PLANNING COMMISSION WORK SESSION START TIMES WILL BE ESTABLISHED ON A MONTH-TO-MONTH BASIS, DEPENDING UPON ANTICIPATED WORK AND/OR CASE LOADS. THE PUBLIC MEETING FOR THE AFTERNOON SESSION WILL BEGIN AT 3:00 P.M. THE PUBLIC MEETING/HEARING EVENING SESSION WILL BEGIN AT 6:30 P.M.)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

VIII. PROPOSED AMENDMENT TO THE SUBDIVISION ORDINANCE RELATING TO STATE MAINTAINED ROADS AND BUILDING PERMITS.

It was the consensus of the Commission to move this Item VIII, Proposed Amendment to the Subdivision Ordinance Relating to State Maintained Roads and Building Permits after Item IX, Consider Appointment of a Committee to Study Computer Controlled Variable Message Electronic Signs.

IX. CONSIDER APPOINTMENT OF A COMMITTEE TO STUDY COMPUTER CONTROLLED VARIABLE MESSAGE ELECTRONIC SIGNS.

Mr. Gulley stated that a ten (10) member committee was needed to adopt a policy for Computer Controlled Variable Message Electronic Signs which included input from the citizens, staff and the sign industries.

The Commission appointed Dr. Brown as Chairman, Ms. Carrie Coyner and Messrs. Richard Collier and Paul Grasewicz to the Committee to Study Computer Controlled Variable Message Electronic Signs. The Commission further agreed that Mr. Gulley would appoint the other members of the Committee which would consist of representatives from each Magisterial District.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to establish a Committee to Study Computer Controlled Variable Message Electronic Signs.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission resolved to grant Mr. Gulley the authority to appoint new members from each Magisterial District to the committee.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

VIII. PROPOSED AMENDMENT TO THE SUBDIVISION ORDINANCE RELATING TO STATE MAINTAINED ROADS AND BUILDING PERMITS.

Mr. McElfish presented an overview of the Proposed Amendment to the Subdivision Ordinance Relating to State Maintained Roads and Building Permits and stated that because of the recent decline in residential development, some developers were not able to complete streets and have them accepted into the state system within the required two (2) year period. He added that staff was proposing an amendment to allow the Director of Environmental Engineering, through a documented process, to grant exceptions based on justification received from the developer.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission set a public hearing on the Proposed Amendment to the Subdivision Ordinance Relating to State Maintained Roads and Building Permits for January 20, 2009.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

X. CONSIDER APPOINTMENT OF DESIGNEES TO ATTEND A PRESENTATION BY CONSULTANTS REGARDING THE PROPOSED COUNTYWIDE COMPREHENSIVE PLAN AMENDMENT.

The Commission appointed Mr. Gulley and Dr. Brown to attend a Presentation by Consultants Regarding the Proposed Countywide Plan Amendment.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to appoint Mr. Gulley and Dr. Brown to attend a Presentation by Consultants regarding the Proposed Countywide Plan Amendment.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

XI. PLANNING TOPICS-"LAND USE PLANNING SCENARIOS". [LAND-USE-PLANNING-SCENARIOS](#)

Mr. Bass exited the work session at 1:57p.m.

Mr. Jimmy Bowling gave a presentation on Land Use Planning Scenarios to include; What is Scenario Planning; Who Uses Scenario Planning; Scenario Planning Flexibility; Scenario Planning Process; What Scenario Planning is Not; Examples of Scenario Planning; and Scenario Planning Resources.

Mr. Bass reentered the work session at 2:05 p.m.

XII. RECESS.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Dr. Brown, the Commission recessed at 2:16 p.m., agreeing to reconvene in the Community Development Multipurpose Room for the Afternoon Session.

3:00 P. M. PUBLIC MEETING

Mr. Gulley, Chairman, called the meeting to order at 3:00 p.m., in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION

There were no requests to postpone action, emergency additions or changes in the order of presentation.

II. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

III. APPROVAL OF THE PLANNING COMMISSION MINUTES

☞ [11-18-08-CPC-MINUTES-DRAFT](#)

Mr. Turner apprised the Commission that under Item VII, PUBLIC HEARING, on Page 12, the bullet should read "Requests for Deferral by Applicants" and not "Deferral Requests By Individual Planning Commissioners".

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to approve the November 11, 2008 Planning Commission Minutes as amended.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

IV. CONSIDERATION OF THE FOLLOWING REQUESTS:

- E. **08PR0410***: In Midlothian Magisterial District, **TRAFCO, LLC.** requests site plan approval and buffer reduction from 75 feet to 25 feet for **TRAFCO CARWASH AND OFFICE** in a Community Business (C-3) District on 1.9 acres fronting approximately 160 feet on the north line of Midlothian Turnpike approximately 80 feet east of Salisbury Drive. Tax ID 730-708-0707. ☞ [08PR0410-STAFF ANALYSIS](#)

Mr. Aaron Breed, the applicant's representative, accepted staff's recommendations.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from Mr. Waller, Mr. Breed stated that resolutions were concluded relative to the privacy fence along the western property line as noted in Condition four (4) and the removal of trees on the adjoining property on Salisbury Drive with construction of the carwash.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to approve Case 08PR0410 subject to the following conditions:

CONDITIONS

1. Within the proposed buffer, landscaping shall be provided in accordance with one and one-half (1.5) times Perimeter Landscaping C with evergreen trees substituted for the small deciduous tree requirement. A six (6) foot tall solid wood or vinyl fence shall be installed within the buffer area. An automatic irrigation system shall be installed for buffer plantings. (P)
2. Prior to *any occupancy* of the car wash, one of the following is required:
 - a. Construction of the office building and installation of the fence and landscaping within the buffer in accordance with Condition 1 above or;
 - b. Installation of a six (6) foot tall solid wood or vinyl board fence with two (2) foot wide, six (6) foot tall brick piers spaced at approximately twenty-four (24) feet on center and installation of the landscaping within the buffer in accordance with Condition 1 above or;
 - c. Installation of the required seventy-five (75) foot buffer as required by ordinance. At such time the office building is constructed, the buffer may be reduced, provided landscaping and fencing is in accordance with Condition 1 above. (P)
3. Plans shall be revised and resubmitted to address staff review comments. (P)
4. A six (6) foot tall vinyl privacy fence, similar to the fence proposed in the buffer area, may be substituted for the three (3) rail fence currently indicated along the western property line. (CPC, P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- A. **06TS0356:** In Dale Magisterial District, **WINDERMERE DEVELOPMENT CO, LLC** requests tentative subdivision approval and ordinance exceptions for **WINDERMERE PHASE 2** in a Residential (R-7) District on 21.6 acres lying approximately 160 feet off the north line of Kingsland Road, approximately 315 feet east of Bluespruce Drive. Tax IDs 776-673-0859 and 777-674-Part of 2340. [06TS0356-STAFF ANALYSIS](#)

Mr. Ryan Ramsey presented an overview of the request and staff's recommendation for denial noting the tentative subdivision does not conform to Section 17-76(h) of the Subdivision Ordinance and the accessibility to and from the development in an emergency situation could be blocked which would adversely affect the health, safety and welfare of citizens within the development.

Mr. Andy Scherzer, the applicant's representative, stated the revised project would create a stub road; alleviate safety issues; limit environmental impacts on the Resource Protection Area (RPA); and limit cut through traffic.

Mr. Gulley opened the floor for public comments.

Messrs. David Cosby and Vernon Huff spoke in opposition of the request noting concerns relative to increased traffic and safety.

There being no one else to speak, Mr. Gulley closed the floor for public comments.

In rebuttal, Mr. Scherzer stated that the decision to relocate access from Beulah Road was based recommendations from the Transportation Department.

Mr. Bass commented that he could not support the request because of the number of single- family lots exceeded Section 17-76(h) of the Subdivision Ordinance.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to approve Case 06TS0356 to include waiver of Section 17-76(h) of the Subdivision Ordinance subject to the following conditions and review notes:

CONDITIONS

1. All conditions and proffered conditions of zoning Case 05SN0327 shall apply to the land shown within this approved tentative. All construction proffers shall be placed on the final check and record plat. (P)
2. If the subdivider, at his option, proposes an upland buffer area around the wetlands to reduce mitigation costs, the twenty-five (25) foot setback shall be taken from the outermost limits. (P)
3. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a Land Disturbance Permit, the Environmental Engineering Department shall require copies of applicable correspondence from the USACOE so that it may be determined that all wetlands permits have been received. (EE)
4. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
5. USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
6. The subdivider shall post signs demarking the limits of the RPA so builders and homeowners may be informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the Environmental Engineering Department. (EE)

7. The erosion and sediment control plan for the project shall call for the placement of polyethylene fence or its equivalent in accordance with STD & SPEC 3.01 of the Virginia Erosion and Sediment Control Handbook along the RPA limits prior to the issuance of a land disturbance permit. (EE)
8. Building envelopes as shown on the tentative plan along with any other directed by the Environmental Engineering Department shall be placed on the construction plans and subdivision plat. (EE)
9. The achievement of adequate surface drainage on lots will be the responsibility of the subdivider. The sale of lots does not absolve the subdivider from this responsibility prior to State acceptance of the streets and for a period of one (1) year after the streets are taken into the State system. (EE)
10. Prior to recordation, the Environmental Engineering Department must have received notification from VDOT that improvements to the State road(s) into which this project intersects and which, have been authorized by an issued Land Use Permit, have been satisfactorily completed. (EE)
11. The points of perennial flow along with their GPS coordinate values will be shown on the construction plan and record plat. (EE)

REVIEW NOTES

- A. Show building envelopes on all lots that are impacted by wetlands, Resource Protection Areas (RPA) and floodplains or do not achieve the required lot width at the minimum setback distance on all final check and record plats. (P)
- B. In conjunction with all applicable road construction, the subdivider shall install a standard barricade and place M 4-6 and M 4-7 (Manual Uniform: Traffic Devices reference manual) signs on said barricade at the end of all stub locations. Provide a detail of the signs on the barricade detail in the construction plans. (P)
- C. Lots fronting on the bulbs of cul-de-sacs shall be designed such that building lines are uniform around the bulb. (P)
- D. In conjunction with the final check submittal, a copy of the deed restrictions as called for in zoning Case 05SN0327 shall be submitted for review and approval prior to recordation of the subdivision plat. (P)
- E. Setbacks from the Commonwealth Natural Gas easement shall be shown on the final check and record plat. (P)
- F. The Director of Environmental Engineering, as a part of the tentative approval process, has granted a CBPA exception to allow Windemere Phase II Subdivision to achieve water quality compliance via the Birkdale BMP. (EE)
- G. It will be the responsibility of the sub divider to make certain, by whatever means necessary, (i.e., on-site water line looping or off-site water line extensions, etc.) that the proposed project, as well as the pressure zone the project is located within,

complies with the Chesterfield County Fire Department's required fire flow of 1000 GPM at 20 PSI residual. (U)

- H. This office may require additional sixteen (16) foot sewer easements to serve adjacent properties once construction plans have been submitted for review and approval. (U)
- I. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
- J. Approval of the tentative subdivision is not an approval of the water and/or sewer layout as shown on the subdivider's tentative subdivision plat. The review of the tentative water and/or sewer layout is being performed to identify any potential controversial problems. The subdivider understands that as the final details of the proposed development are reviewed, the Utilities Department may require changes to the original layout as deemed in the best interest of the county, which ultimately benefits the department's customers as users of the public water/sewer systems. (U)
- K. Hydrant requirements and locations shown on the tentative plan may not be acceptable. Hydrant(s) required and their location will be evaluated at the time of construction plan review. (F)
- L. When submitting the construction plans, provide an additional copy to go to the Fire Department for review. (F)
- M. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights-of-way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- N. All right-of-way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design as stipulated in Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- O. The design of any/all proposed landscape embellishments (ie, landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) To be installed within state maintained rights-of-way must be submitted to VDOT for review as separate submittal under Permit Process. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- P. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
- Q. Design and construction of western cul-de-sac of Bankstown Lane shall be in accordance with Appendix B of the 2005 SSR and shall be addressed in the construction plans. (VDOT)

R. The construction of transportation improvements on roadways which are defined as arterials or collectors in Chesterfield County's "Thoroughfare Plan", and all internal roads requires the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one (1) of the following options:

A. The applicant shall retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,

B. The applicant shall request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing.

Either option A or B may be used for each category of road at the preference of the developer. (VDOT)

S. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)

T. Only one curb and gutter design may be used along the length of a street, as per 24VAC 30-91-110. (VDOT)

U. A VDOT land use permit for any and all required transportation improvements on Kingsland Road shall be satisfactorily completed prior to recordation of any lots within this subdivision. (VDOT)

V. The design and construction of any pedestrian facilities for the proposed VDOT maintenance shall be in accordance with Appendix B of the 2005 SSR. (VDOT)

W. Design of principal roadway elements should be concentric about the center of the right-of-way, as stipulated in the Appendix B of the 2005 SSR. (VDOT)

X. Adequacy of the ultimate outfall from proposed development shall be successfully demonstrated in the construction plans for the proposed subdivision, and all associated work shall be developer's responsibility. (VDOT)

Y. Sanitary sewer manholes as shown are preliminary and should be so noted. Actual locations of utility manholes shall be shown on construction plans and in accordance with Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)

Z. Location and description of all construction elements of the roadways as shown are preliminary and should be so noted. Actual design and construction of roadway elements shall be shown on construction plans and in accordance with Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)

AA. Standard conditions. (P)

AYES: Messrs. Gulley, Brown, Hassen and Waller.

NAY: Mr. Bass

- B. **08TS0110:** In Dale Magisterial District, **WINDERMERE DEVELOPMENT CO, LLC** requests tentative subdivision approval and ordinance exceptions for **WINDERMERE PHASE 3** in Residential (R-7 and R-12) Districts on 36.7 acres fronting approximately 300 feet on the west line of Salem Church Road across from Old Salem Church Road, and approximately 560 feet on the south line of Beulah Road approximately 300 feet west of Salem Church Road. Tax ID 777-674-Part of 2340. [08TS0110-STAFF ANALYSIS](#)

Mr. Ryan Ramsey presented an overview of the request and staff's recommendation for denial noting the tentative subdivision does not conform to Section 17-76(h) of the Subdivision Ordinance and the accessibility to and from the development in an emergency situation could be blocked which would adversely affect the health, safety and welfare of citizens within the development.

Mr. Andy Scherzer, the applicant's representative, reflected on the benefits of the revised request and noted the inclusion of a stub road; the alleviation safety issues; limited environmental impacts; and the minimization of cut through traffic.

Mr. Gulley opened the floor for public comments.

Messrs. David Cosby and Vernon Huff spoke in opposition of the request noting concerns relative to increased traffic; road improvements and safety.

Ms. Andrea Epps asked the Commission to consider the Virginia Department of Transportation (VDOT) standards relative to connectivity.

There being no one else to speak, Mr. Gulley closed the public comments.

Dr. Brown commented that the applicant had addressed concerns relative to access and safety.

In response to questions from Mr. Bass, Captain Keith Chambers, Fire Marshall, stated that the Departments of Fire and EMS would not support a request for more than fifty (50) lots on a single access.

Mr. Bass voiced concerns relative to access roads; safety; increased traffic; road conditions; and Fire and EMS standards.

Mr. Gulley stated the Subdivision Ordinance allows the Commission to approve up to sixty-two (62) on a single access.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to approve subject to the following conditions and review notes:

CONDITIONS

1. All conditions and proffered conditions of zoning Case 05SN0327 & 08SN0254 shall apply to the land shown within this approved tentative. All construction proffers shall be placed on the final check and record plat. (P)
2. If the subdivider, at his option, proposes an upland buffer area around the wetlands to reduce mitigation costs, the twenty-five (25) foot setback shall be taken from the outermost limits. (P)

3. The BMP's initial, predominant water-quality function shall be sediment control; the implementation of which shall be coordinated with the first portion of the project that drains in its direction. (EE)
4. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a Land Disturbance Permit, the Environmental Engineering Department shall require copies of applicable correspondence from the USACOE so that it may be determined that all wetlands permits have been received. (EE)
5. Unless otherwise approved by the Environmental Engineering Department, the spillway structure for the wet pond(s) shall be a concrete weir. (EE)
6. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
7. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
8. The design and construction of the SWM/BMP that will be a County maintained facility would be subject to independently documented geotechnical approval. The services that must be provided by the independent geotechnical engineering firm shall include full-time geotechnical inspection paid for by the developer. That full-time inspection shall include but not be limited to the following:
 - a. Participation/input into the design process as necessary to facilitate the approval process of the independent geotechnical consultant. Observation, testing and documentation of:
 - i. Suitable sub-grades to receive compacted structural fill for earth dam construction.
 - ii. The cut-off trench, spillway pipe, drainage blanket, riser structure, and concrete chute spillway sub-grades as applicable to evaluate whether suitable soil is present at bearing grade to verify proper installation.
 - iii. Reinforcing steel, if required, to evaluate its conformance with the project plans and specifications. (EE)
9. The facility certification process shall be performed by an engineering/surveying professional under a "retained services contract" chosen by the County at the owner's expense. (EE)
10. The name of the geotechnical professional who will provide the geotechnical approval on the dam will be furnished prior to the issuance of the land disturbance permit. (EE)
11. Prior to construction plan approval, the Environmental Engineering Department must have received documentation that the subdivider or his representative has notified certain

property owners determined by the Department of the proposed adjacent construction. (EE)

12. Prior to construction plan approval, the Environmental Engineering Department must have received documentation that the subdivider or his representative has notified certain property owners determined by the Department of the proposed adjacent construction. (EE)
13. The erosion and sediment control plan for the project shall call for the placement of polyethylene fence or its equivalent in accordance with STD & SPEC 3.01 of the Virginia Erosion and Sediment Control Handbook along the RPA limits prior to the issuance of a land disturbance permit. (EE)
14. Building envelopes as shown on the tentative plan along with any other directed by the Environmental Engineering Department shall be placed on the construction plans and subdivision plat. (EE)
15. The floodplain as shown on the approved construction plans and the recorded subdivision plat shall be the result of hydrologic and hydraulic engineering methods and assumptions, which are approved by the Environmental Engineering Department. (EE)
16. The achievement of adequate surface drainage on lots will be the responsibility of the subdivider. The sale of lots does not absolve the subdivider from this responsibility prior to State acceptance of the streets and for a period of one (1) year after the streets are taken into the State system. (EE)
17. Prior to recordation, the Environmental Engineering Department must have received notification from VDOT that improvements to the State road(s) into which this project intersects and which, have been authorized by an issued Land Use Permit, have been satisfactorily completed. (EE)
18. Prior to recordation, new FEMA flood insurance rate maps (Firm) for panel 87 will have been issued, if applicable. (EE)
19. The points of perennial flow along with their GPS coordinate values will be shown on the construction plan and record plat. (EE)
20. The positioning of the RPA in relation to Mary Page Lane shall be as directed by the Environmental Engineering Department. (EE)
21. Additional pavement shall be constructed on Salem Church Road to provide left and right turn lanes in conjunction with initial road construction for any lots shown on this tentative. (T)

REVIEW NOTES

- A. Show building envelopes on all lots that are impacted by wetlands, Resource Protection Areas (RPA) and floodplains or do not achieve the required lot width at the minimum setback distance on all final check and record plats. (P)

- B. In conjunction with all applicable road construction, the subdivider shall install a standard barricade and place M 4-6 and M 4-7 (Manual Uniform: Traffic Devices reference manual) signs on said barricade at the end of all stub locations. Provide a detail of the signs on the barricade detail in the construction plans. (P)
- C. Lots fronting on the bulbs of cul-de-sacs shall be designed such that building lines are uniform around the bulb. (P)
- D. In conjunction with the final check submittal, a copy of the deed restrictions as called for in zoning Case 05SN0327 shall be submitted for review and approval prior to recordation of the subdivision plat. (P)
- E. In conjunction with the submittal of the final check plats, the subdivider shall flag all buffers for inspection by the Planning Department. The buffer must conform to Section 17-70 of the Subdivision Ordinance. Any driveway culverts within the buffer areas must be removed, and ditch line re-cut in accordance with VDOT's standards. If insufficient vegetation remains, the subdivider shall submit a landscape plan to the director of planning to ensure compliance with this condition. If conditions on site are not conducive to plant survival, the subdivider shall provide surety to the county in the amount required to implement the plan. An estimate from a landscape contractor shall serve as the basis for the surety amount. (P)
- F. A note shall be placed on the final check and record plat that indicates the buffers are exclusive of easements, cut and fill slopes and setbacks. The buffers are to remain undisturbed and no access is permitted through them to any adjacent roads. (P)
- G. Section 19-559 shall be complied with. Homeowners association with mandatory membership will be required. Ownership and maintenance responsibilities for the open space/recreational areas shall be stated on all final checks and record plats. The subdivider shall submit draft bylaws; articles of incorporation; and covenants of the association to the Planning Department and County Attorney's office in conjunction with the final check plat. The subdivider shall also incorporate the association with the State Corporation Commission. The approved bylaws and covenants shall be recorded prior to or in conjunction with the record plat. The recordation information shall be shown on the record plat and each subsequent final check and record plat. (P)
- H. It will be the responsibility of the subdivider to make certain, by whatever means necessary, (i.e., on-site water line looping or off-site water line extensions, etc.) that the proposed project, as well as the pressure zone the project is located within, complies with the Chesterfield County Fire Department's required fire flow of 1000 GPM at 20 PSI residual. (U)
- I. The Utilities Department may require additional sixteen (16) foot sewer easements to serve adjacent properties once construction plans have been submitted for review and approval. (U)
- J. The Utilities Department may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)

- K. Hydrant requirements and locations shown on the tentative plan may not be acceptable. Hydrant(s) required and their location will be evaluated at the time of construction plan review. (F)
- L. When submitting the construction plans, provide an additional copy to go to the Fire Department for review. (F)
- M. A forty-five (45) foot edge of pavement radius turnaround is required at the cul-de-sac on Mandora Court, per appendix B of the 2005 SSR. A minimum fifty-four (54) foot right of way radius is required to accommodate the enlarged turnaround at these locations. (VDOT)
- N. A right and left turn lane shall be provided if VDOT warrants are met at the intersections of Goldbern Drive and Salem Church Road. (VDOT)
- O. VDOT standard (based on current roadway functional classification) roadway and pavement widening and pavement design improvement with shoulders and ditch lines should be provided along the limits of development on Goldbern Drive and Salem Church Road to which connections is to be made to accommodate safe and efficient vehicular movements on Goldbern Drive and Salem Church Road in the excess of 620 VPD. (VDOT)
- P. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- Q. Any requirements of the subdivision ordinance adopted by Chesterfield County that are equal to or greater than 2005 SSR provisions including listing of documents incorporated in 24 VAC 30-91-160 are VDOT requirements in Chesterfield County and govern unless Chesterfield County concurs with an exception to their higher standards. (VDOT)
- R. All right-of-way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design as stipulated in Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- S. The design of any/all proposed landscape embellishments (ie, landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) To be installed within state maintained rights of way must be submitted to VDOT for review as separate submittal under Permit Process. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- T. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)

U. The construction of transportation improvements on roadways which are defined as arterials or collectors in Chesterfield County's "Thoroughfare Plan", and all internal roads require the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one of the following options:

- A. The applicant shall retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
- B. The applicant shall request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing.

Either option A or B may be used for each category of road at the preference of the developer. (VDOT)

V. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)

W. The design and construction of any pedestrian facilities for the proposed VDOT maintenance shall be in accordance with Appendix B of the 2005 SSR. (VDOT)

X. Only one (1) curb and gutter design may be used along the length of a street, as per 24VAC 30-91-110. (VDOT)

Y. Adequacy of the ultimate outfall from proposed development shall be successfully demonstrated in the construction plans for the proposed subdivision, and all associated work shall be developer's responsibility. (VDOT)

Z. Sanitary sewer manholes as shown are preliminary and should be so noted. Actual locations of utility manholes shall be shown on construction plans and in accordance with Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)

AA. The proposed road crossing of FEMA floodplain shall be designed in accordance to Chapter 12 of the VDOT Drainage Manual. (VDOT)

BB. Standard conditions. (P)

AYES: Messrs. Gulley, Brown, Hassen and Waller.

NAY: Mr. Bass

C. **09PW0197:** In Bermuda Magisterial District, **RIVERS BEND SELF STORAGE, LLC** requests development standard modification for **RIVERS BEND SELF STORAGE** in a General Industrial (I-2) District on 21.2 acres fronting approximately 284 feet on the north line of West Hundred Road approximately 460 feet east of Ware Bottom Spring Road. Tax IDs 807-653-0838, 2033, 4542 and Part of 2676; 807-654-Part of 0432 and 0860; and 807-655-Part of 0904. [09PW0197-STAFF ANALYSIS](#)

Mr. Gulley directed staff to present Case 08PR0386 in conjunction with Case 09PW1097 because of the relationship of the cases.

Mr. Jeff Lamson presented an overview of the request and staff's recommendation for denial for Case 09PW0197.

Mr. Jeff Lamson presented an overview of the request and staff's recommendation for denial of the Site Plan request for Case 08PR0386, but noted that if the Commission elected to approve Case 09PW0197, staff would support approval of Case 08PR0386.

Mr. Dave Campbell, the applicant's representative, disagreed with staff's recommendation and noted that a secondary vehicular access through the adjacent properties would affect the ability to secure the property.

No one came forward to speak in favor of, or in opposition of the request.

Mr. Hassen disagreed with staff recommendation to provide a vehicular access between non-residential developments.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to approve Case 09PW0197.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- D. **08PR0386***: In Bermuda Magisterial District, **RIVERS BEND SELF STORAGE, LLC** requests site plan approval and buffer waiver for **RIVERS BEND SELF STORAGE** in General Industrial (I-2) and Agricultural (A) Districts on 22.15 acres fronting approximately 284 feet on the north line of West Hundred Road approximately 460 feet east of Ware Bottom Spring Road. Tax IDs 807-653-0838, 2033, 4542, 6964 and Part of 2676; 807-654-Parts of 0432 and 0860; and 807-655-Part of 0904.
[08PR0386-STAFF ANALYSIS](#)

Mr. Dave Campbell, the applicant's representative, reiterated comments noted for 09PW0197.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Hassen advised the Commission that the adjacent property owners were notified and there was no opposition.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to approve Case 08PR0386 subject to the following condition:

CONDITION

Site plans shall be revised and resubmitted, for administrative review, to address the Review Comments listed in the Staff's Request Analysis And Recommendation and the VDOT Review Comments of this addendum. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

VI. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at 3:38 p.m., agreeing to meet in the Public Meeting Room (Executive Session Room) at the Administration Building Complex at 5:00 p.m. for dinner.

During dinner, there was general discussion regarding pending cases.

6:30 P.M. PUBLIC MEETING AND HEARING.

I. INVOCATION.

Mr. Hassen presented the invocation.

II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Mr. Robert Clay led the Pledge of Allegiance to the Flag.

III. REVIEW UPCOMING AGENDAS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months.

IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

The Commission amended the agenda to reorder the Rezoning and Conditional Use – Other to be heard before the Code Amendments.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission amended the agenda to reorder the Rezoning and Conditional Use – Other to be heard before the Code Amendments.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

V. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

VI. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizen comments on unscheduled matters at this time.

VII. PUBLIC HEARING

- D. 08SN0267*:** (Amended) In Bermuda Magisterial District, **GERALD R. AND JANET P. WHITE** request rezoning and amendment of zoning district map from Community Business (C-3) to General Business (C-5) of 4.5 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on that tract plus an existing zoned Community Business (C-3) tract totaling 7.3 acres fronting approximately 780 feet on the west line of Jefferson Davis Highway approximately 1300 feet south of Woods Edge Road. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor use. Tax IDs 800-634-0291; and 800-635-0431, 0545, 0561, 0676 and 1091. [08SN0267-STAFF ANALYSIS](#)

Mr. Dean Hawkins, the applicant's representative, accepted deferral of Case 08SN0267 by Mr. Hassen to the February 17, 2009, Planning Commission public hearing.

Mr. Gulley opened the floor for public comments.

Mr. Steve Messner spoke in favor of the deferral and noted concerns relative to traffic and safety.

There being no one else to speak, Mr. Gulley closed the floor for public comments.

The following motion was made at Mr. Hassen's request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission, on their own motion, resolved to defer Case 09SN0116 to the February 17, 2009, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- C. **09SN0131:** In Midlothian Magisterial District, **BEE-PIKE LLC** requests amendment to Conditional Use Planned Development (Case 00SN0204) and amendment of zoning district map relative to architectural treatment, hours of operation and setbacks in Neighborhood Business (C-2) and Corporate Office (O-2) Districts on 8.8 acres fronting approximately 500 feet on the west line of North Woolridge Road approximately 500 feet south of Midlothian Turnpike. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village shopping district and village fringe area uses. Tax IDs 731-706-9398; 731-707-6510; and 732-706-0494. [09SN0131-STAFF ANALYSIS](#)

Mr. Waller declared a conflict of interest due to a business arrangement with an adjacent property owner who has a contractual arrangement with the applicant.

Mr. Andy Scherzer, the applicant, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

Mr. Gordon Meyer and Mr. Peppy Jones of the Village of Midlothian Volunteer Coalition, spoke in favor of the request and noted the applicant had addressed all noted concerns.

There being no one else to speak, Mr. Gulley closed the floor for public comments.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 09SN0131 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The Textual Statement amendments dated November 25, 2008, and revised December 5, 2008, shall be considered the Master Plan. (P)

(Note: Except as amended herein, the Textual Statement approved as part of Case 00SN0204 shall remain in effect.)

2. The architectural style, materials and colors of buildings shall be compatible with that shown on the elevations prepared by Freeman Morgan Architects, dated April 21, 2008 and titled "American Family Fitness North Woolridge Road Midlothian, Virginia". (P)

(Note: This proffer supersedes Proffered Conditions 10 and 11 of Case 00SN0204 for the subject property.)

3. Uses shall not be open to the public between the hours of midnight and 6:00 a.m. with the exception that a single Health Club use having 40,000 gross square feet or greater may be opened to the public between the hours of midnight and 6:00 a.m. provided that security cameras shall be installed so as to provide video surveillance of parking areas during these specified hours. (P)

(Note: This proffer supersedes Proffered Condition 19 of Case 00SN0204.)

4. Except as noted in the Textual Statement amendment, Item 2, a minimum sixty (60) foot parking setback shall be maintained along North Woolridge Road until such time as a building is constructed on Tax ID 732-706-0494. (P)

(Note: This proffer supersedes Proffered Condition 21 of Case 00SN0204.)

AYES: Messrs. Gulley, Bass, Brown and Hassen.

ABSENT: Mr. Waller

- E. **09SN0116***: In Clover Hill Magisterial District, **BAXTER HARRINGTON** requests amendment to Conditional Use Planned Development (Case 87S045) and amendment of zoning district map relative to buffer requirements in a Corporate Office (O-2) District on 7.1 acres lying approximately 920 feet off the north line of Hull Street Road approximately 180 feet west of Woodsong Drive. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office and medium residential use of 1.51 to 4.0 units per acre. Tax ID 744-685-Part of 2207. [09SN0116-STAFF ANALYSIS](#)

Mr. Baxter Harrington, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 09SN0116 and acceptance of the following proffered condition:

PROFFERED CONDITION

The provision of fencing within the 100 foot buffer along the northwest and northeast boundaries of the Corporate Office (O-2) tract per Condition 8.c of Case 87S045 shall not be required provided use of this property is limited to church use. (P)

(Note: This Condition is in addition to Condition 8.c of Case 87S045 for the subject property.)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- F. **09PD0160***: In Matoaca Magisterial District, **CHESTERFIELD COUNTY PARKS AND RECREATION** requests Substantial Accord Determination and amendment of zoning district map to permit park use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots; suited to R-88 zoning. This request lies in an Agricultural (A) District on 174.3 acres lying at the southern terminus of Penmar Drive, south of River Road. Tax IDs 769-605-1330; 771-606-1699; and 772-607-1992 and 3083. [09PD0160-STAFF ANALYSIS](#)

Mr. Turner advised the Commission that the applicant had withdrawn a parcel (Tax ID 772-607-1992) from consideration.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission acknowledged the withdrawal of a parcel (Tax ID. 772-607-1992).

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

Mr. Mike Golden, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission found Case 09PD0160 (to permit park use) to be in Substantial Accord with the Comprehensive Plan and subject to the following conditions:

CONDITIONS

1. With the exception of the requirements for recreational facilities outlined in Condition 2, development shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in an Emerging Growth District Area. (P)
2. Recreational Facility Setbacks:
 - A. With the exception of playground areas which accommodate swings, jungle gyms or similar facilities, outdoor play fields, courts, swimming pools and similar active recreational facilities shall be located a minimum of 100 feet from any proposed or existing single family residential lot lines and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent development of indoor facilities and/or parking within the 100 foot setback. Also, within the 100 foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - B. Any playground area (i.e. areas accommodating swings, jungle gyms or similar facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or

proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers. (P)

3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. Prior to the Property being designated as a public park, prior to any site plan approval, or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, a 200 foot variable width limited access right-of-way for North/South Freeway through the Property shall be recorded, free and unrestricted, to and for the benefit of Chesterfield County. The exact location and width of the right-of-way shall be approved by the Transportation Department. There shall be no requirement to dedicate the right-of-way, if the Board of Supervisors approves an alternative location for the North/South Freeway that does not extend across the Property, as determined by the Transportation Department. (T)
5. There shall be no vehicular access, except vehicles for emergency response and construction/maintenance of the park, from the property to Penmar Drive. Vehicular access from the property to Penmar Drive shall be secured/gated to limit its use to that specifically stated above. Design of the emergency access shall be reviewed and approved by the Fire Marshal's office and shall meet all applicable standards for emergency accesses. (F and P&R)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- G. **08SN0243****: In Matoaca Magisterial District, **JOHN D. AND KIMBERLY W. HUGHES, JR.** request Conditional Use and amendment of zoning district map to permit commercial uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements in an Agricultural (A) District on 8.5 acres located in the northwest quadrant of the intersection of Beach and Spring Run Roads. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots; suited to R-88 zoning. Tax IDs 745-654-8256 and 746-654-1071. [09SN0243-STAFF ANALYSIS](#)

Ms. Darla Orr presented staff's recommendation of denial noting the request failed to address transportation concern relative to right of way dedication.

Mr. Jeff Collins, the applicant's representative, stated the applicant had work diligently with staff and Mr. Bass and that the right-of-way dedication would adversely impact the integrity of the historical structures.

Mr. Gulley opened the floor for public comments.

Dr. Peter Lipowicz, President of Chesterfield Historical Society, and Ms. Lee Diller and Ms. Frances Bailey spoke in favor of the request noting the benefits of preserving the historical structures; increased tax revenue; and the low traffic impact.

Ms. Andrea Epps asked the Commission to consider the Virginia Department of Transportation (VDOT) standards relative to connectivity.

There being no one else to speak, Mr. Gulley closed the public comments.

In response to questions from the Commission relative to the conversion of Beach Road to a four (4) lane road and the recommended right-of-way width, Mr. McCracken stated that the Transportation Department recommended right-of-way dedication based on a revised centerline alignment to better accommodate future road improvements with less impact on existing structures.

Mr. Gulley expressed concern that a recommendation of approval would result in higher economic cost for the County to obtain the right-of-way for road improvements.

Mr. Hassen expressed disapproval of the request and commented that standards relative to right-of-way dedication should be consistent for all zoning cases.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0243 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The owners and developers in this rezoning request, John D Hughes, Jr. and Kimberly W Hughes (the "Developers") pursuant to § 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, Virginia (the "County") for itself and its successors and assigns, hereby proffers that the development of the real property (the "Property") under consideration in this rezoning request shall be developed in accordance with the following conditions if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Developers. In the event this request is denied or approved with conditions not agreed to by the Developers, the proffers shall immediately be null and void and of no further force or effect.

This application contains one (1) exhibit described as follows:

Exhibit A – The plan titled "Transportation Plan", prepared by Townes Site Engineering, dated November 17, 2008

1. Textual Statement. The Textual Statement dated November 17, 2008 shall be considered the Master Plan. (P)
2. Access.
 - a. Direct vehicular access from the Property to Spring Run Road shall be limited to one (1) entrance/exit, located a minimum of four hundred fifty (450) feet from the centerline of Beach Road as shown on Exhibit "A". The exact location of this access shall be approved by the Transportation Department.
 - b. As shown on Exhibit A, direct vehicular access from the Property to Beach Road shall be limited to two (2) entrances/exits.
 - i. The easternmost access shall be generally located as shown on Exhibit A and shall only serve the existing "Building B" as labeled on Exhibit A. At such time direct vehicular access from the Property to Spring Run Road is provided, as described in Proffered Condition 2.a.

and as determined by the Transportation Department, the easternmost access to Beach Road shall be removed.

- ii. The westernmost access shall be located generally towards the western property line as shown on Exhibit A and shall only serve the existing "Building A." as labeled on Exhibit A. Prior to any site plan approval that includes the westernmost access, an access easement, acceptable to the Transportation Department, shall be recorded from the westernmost access onto Beach Road to the adjacent property to the west (Tax ID 745-654-4944). At such time the westernmost access is relocated by others to align with the Bundle Road intersection, as determined by the Transportation Department, additional development on the Property may be served by this access up to the maximum density identified in Proffered Condition 6. (T)

3. Road Improvements. The following roadway improvements shall be provided by the Developer:

- a. Construction of a left and right turn lane along Spring Run Road at the approved access.
- b. Widening/improving the west side of Spring Run Road for the entire Property frontage to an eleven (11) foot wide travel lane, measured from the existing centerline of Spring Run Road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot unpaved shoulder and overlaying the full width of the road with one and one-half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department.
- c. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)

4. Phasing Plan. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 3, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require at a minimum, that prior to issuance of an occupancy permit for more than 18,000 square feet (SF) Recreational Community Center/banquet hall, and "Building B" as labeled on Exhibit A, or equivalent traffic generation as determined by the Transportation Department, with access to Spring Run Road, the road improvements as identified in Proffered Condition 3.a., 3.b and 3.c. shall be completed as determined by the Transportation Department. (T)

5. Timbering. Except for timbering approved by the Virginia Department of Forestry for removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

6. Density. The maximum density on the Property shall be as listed below or equivalent traffic generation as determined by the Transportation Department:

- a. 18,000 Square Feet (SF) of Recreational Community Center (Banquet Hall).
- b. 5,000 SF Church.

- c. 2,800 SF of Single Tenant Office. "Building A" and "Building B" shall each be limited to 1,400 SF of single tenant office use until such time Proffered Conditions 2.b.2 and 2.b.1 are satisfied, respectively, as determined by the Transportation Department. At such time the respective proffered conditions are satisfied, additional development may be served by "Building A" and/or "Building B" in accordance with the remaining maximum density on the Property.
- d. 8,000 SF of Shopping Center.
- e. 5,000 SF of High Turnover (Sit-Down) Restaurant. (T)

7. Permitted uses: The following uses shall be permitted:

- a. Except for automobile self service stations, which shall not be permitted, uses permitted by right or with restrictions in the Neighborhood Business (C-2) District.
- b. Commercial outdoor recreational use limited to tractor, farm equipment and automobile shows/exhibits.
- c. Special events business to permit events such as weddings, receptions, birthday parties, luncheons and similar social gatherings. (P)

8. Hours of Operation.

The hours and days that the special events business is permitted to be open to the public shall be as follows:

- a. Monday through Sunday from 6:30 AM to 11:00 PM. (P)

9. Deliveries.

No vendor deliveries shall be permitted before 8:00 AM or after 7:00 PM. (P)

10. The special events uses shall be designed and operated so as not to generate noise levels above 65dB(a) as measured at the "Property" boundaries. (P)

11. Buffers.

A thirty (30) foot buffer shall be maintained adjacent to the western property boundary. The westernmost access off of Beach Road, as approved by the Transportation Department, shall be allowed to encroach within the buffer for a maximum distance of two hundred (200) feet measured from the centerline of Beach Road. Existing mature vegetation located within this buffer shall be maintained and may be substituted for required landscaping materials as approved during plans review. The buffer shall be planted in accordance with perimeter landscaping C requirements of the Zoning Ordinance except that at the time of planting the following minimum size standards shall be permitted:

- A. If plantings are installed during the first growing season immediately following the first approved site plan:
 - a. Large Deciduous Tree-minimum one (1) inch caliper.
 - b. Small Deciduous Tree-minimum one-half (1/2) inch caliper.
 - c. Medium Shrub-minimum height of twelve (12) inches.

d. Evergreen Trees-minimum height of three (3) feet.

B. If plantings are installed after the first growing season immediately following the first approved site plan:

- a. Large Deciduous Tree-minimum one (1) inch caliper.
- b. Small Deciduous Tree-minimum one-(1) inch caliper.
- c. Medium Shrub-minimum height of eighteen (18) inches.
- d. Evergreen Trees-minimum height of three (3) feet. (P)

12. Right-of-Way Dedication.

- a. Prior to any site plan approval or within ninety (90) days of a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way along the west side of Spring Run Road, measured from the centerline of that part of the roadway immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

AYES: Messrs. Bass, Brown and Waller.

NAYS: Messrs. Gulley and Hassen.

B. • CODE AMENDMENT FOR FEE ADJUSTMENT.

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-25 of the zoning ordinance relating to planning fees. The legal authority for enactment of these fees, levies, increases and/or reductions includes the County Charter and Va. Code § 15.2-2286(A)(6). Except as described below, no other new, increased or reduced fees are proposed with this amendment. In addition to any other fees required by the County under other ordinances, the amendment would change application fees for certain conditional use applications. Fees for conditional uses currently fall into two categories: (1) family day care homes and (2) "all other" conditional uses. The fees for "all other" conditional use applications are currently \$5,300 plus \$90 per acre for residential uses and \$4,100 plus \$80 per acre for office, commercial and industrial uses. The proposed amendment would change this fee for two new categories of conditional use applications: (1) "conditional use for any use incidental to a principal dwelling unit except family day care homes" for which the fee would be reduced to \$1,000 per application for all uses and (2) "conditional use for recreational facilities and grounds primarily serving the surrounding residential community" for which the fee would be changed to \$2,200 plus \$95 per acre for residential uses and would not be applicable to office, commercial and industrial uses. After a public hearing, the Planning Commission may recommend changes to the amendment.

Mr. Glenn Larson stated that members of the Board of Supervisors had expressed concern relative to the Conditional Use fees For Any Use Incidental to a Principal Dwelling Unit Except Family Daycare Homes and For Recreational Facilities and Ground Primarily Serving the Surrounding Residential Community and ask the Commission to consider fee adjustments for Conditional Uses.

Mr. Gulley advised the Commission that they previously recommended denial of a fee increase to the Board of Supervisors and directed Staff to discuss other fee adjustment considerations with the Board of Supervisors Budget and Audit Committee.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to recommend approval of the following:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 19-25 OF THE ZONING ORDINANCE RELATING
TO FEES FOR CERTAIN CONDITIONAL USE APPLICATIONS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) *That Section 19-25 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

CHAPTER 19
ZONING
0 0 0

Sec. 19-25. Fees.

In addition to any other fees required by the county, fees shall be payable to the county treasurer and submitted to the planning department upon filing the following applications:

<i>Application Type</i>	<i>Fee, Based On</i>	
	<i>Residential Uses</i>	<i>Office, Commercial, and Industrial Uses</i>
1. Amend condition(s) of zoning (including conditions of rezoning, conditional use, conditional use planned development, and textual statement)	\$ 5,300.00	\$ 4,100.00
2. Appeal to board of zoning appeals per section 19-21	1,200.00	1,200.00
3. Building permit review, for a new single-family dwelling or for each unit of a new two-family dwelling	25.00	not applicable
4. Conditional use, family day care homes <u>Certain conditional uses</u>	300.00	not applicable
a. Conditional use, family day care homes	<u>300.00</u>	<u>not applicable</u>
b. <u>Conditional use for any use incidental to a principal dwelling unit except family day care homes</u>	<u>1,000.00</u>	<u>1,000.00</u>
c. <u>Conditional use for recreational facilities and grounds primarily serving the surrounding residential community</u>	2,200.00	not applicable
i. Plus per acre	<u>95.00</u>	<u>not applicable</u>
5. Conditional use, all others	5,300.00	<u>4,100.00</u>

a. Plus per acre	90.00	80.00
------------------	-------	-------

0 0 0

(2) *That this ordinance shall become effective immediately upon adoption.*

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

A. **CODE AMENDMENT RELATIVE TO "MASS GRADING" IN THE UPPER SWIFT CREEK WATERSHED.**

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending Sections 8-1 and 8-2 of the Erosion and Sediment Control Ordinance and Section 19-238 of the Zoning Ordinance. Specifically, the amendments would prohibit "mass grading" within the Upper Swift Creek Watershed and would define "mass grading" as the process of altering existing ground contours of more than 80% of the area of any single residential lot as shown on approved construction plans, but would not include alteration of lots (i) that are less than 10,000 square feet, (ii) that are more than 10,000 square feet after issuance of a certificate of occupancy for a primary residence on the property or (iii) as otherwise approved by the director of environmental engineering when necessary for storm water management purposes.

Mr. Dick McElfish presented an overview of the Code Amendment Relative to "Mass Grading" in the *Upper Swift Creek* and noted that the proposed changes were based on input from both staff and the Planning Commission.

Ms. Lee Diller, Ms. Tyler Madison and Mr. James Shelton spoke in favor of the Code Amendment and noted concerns relative to the draft language.

Ms. Andrea Epps asked the Commission to consider adding additional language relative to the definition of "mass grading".

There being no one else to speak, Mr. Gulley closed the floor for public comments.

Mr Gulley stated that most developers adhere to the Ordinance and he could not support enacting an Ordinance based on the violation of one (1) developer.

The Commission voiced concern relative to the impact; enforceability; and benefits of the Ordinance; and directed staff to explore alternatives to the Ordinance for the June 23, 2009 public hearing.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission deferred action on the Code Amendment Relative to "Mass Grading" in the *Upper Swift Creek* Watershed to the June 23, 2009 public hearing.

AYES: Messrs. Gulley, Hassen and Waller.

NAYS: Messrs. Bass and Brown.

VIII. **CITIZEN COMMENT ON UNSCHEDULED MATTERS.**

There were no citizen comments at this time.

IX. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Hassen, seconded by Dr. Brown, that the meeting adjourned at 8:25 p.m. to January 20, 2009, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

Chairman/Date

Secretary/Date